

REMARKS

Applicant thanks the Examiner for conducting a telephone interview on October 5, 2007, to discuss the pending Office Action. Based on the content of the Office Action and the interview, Applicant presents the following remarks.

Claims 21-27, 43, and 44 have been cancelled.

Claims 28-34 and 41 remain in this application, of which claims 28 and 31 are independent.

Claims 28-30, 32-34, and 41 have been amended.

“New Matter” Objection

Not finding support in the original disclosure for “spheres of different sizes in claim 25,” Examiner maintained his “new matter” objection and required applicant to cancel the new matter. (9/12/07 Office Action at p. 2).

Applicant has cancelled the objected to matter by canceling claim 25. Accordingly, Examiner’s “new matter” objection has been overcome.

Allowed Claim

Independent claim 31 stands allowed. (9/12/07 Office Action at p. 5).

Allowable Claim

Dependent claim 28 was found allowable if rewritten in independent form including all of the limitations of its base claim and any intervening claims. (9/12/07 Office Action at p. 4).

Applicant rewrote claim 28 in independent form to include all of the limitations of its base claim 27. Accordingly, as amended, claim 28 is believed to be in condition for allowance.

Claim Rejections

Claims 21-23, 25, 26, and 43 were rejected under 35 U.S.C. 102(b) as being anticipated by Falk (U.S. Pat. No. 5,692,753).

Claims 27, 29, 30, 32-34, and 41 were rejected under 35 U.S.C. 102(b) as being anticipated by Hanna (U.S. Pat. No. 4,846,476).

Claims 24 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Falk in view of Fogarty (U.S. Pat. No. 4,884,818).

The Applicant respectfully traverses Examiner's 35 U.S.C. 102(b) and 103(a) rejections. However, to advance the application to issue, Applicant cancelled the rejected claims 21-27, 43 and 44. Applicant reserves the right to argue patentability of these cancelled claims over the cited references in a continuation application.


Applicant amended the remaining rejected claims 29, 30, 32-34, and 41 to make them dependent on the allowable claim 28. The amended claims 29, 30, 32-34, and 41 are believed to be allowable at least based on their dependency on claim 28.

Conclusion

Applicant submits that the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

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